

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BA'AISHA BLOUNT,

Plaintiff,

v.

MICHAEL FREDERICK SEDLEMEYER
AND SCHNEIDER NATIONAL
CARRIERS, INC.,

Defendants.

CIVIL ACTION FILE
NUMBER

DEFENDANTS' NOTICE OF REMOVAL

1.

Plaintiff filed her Complaint and Demand for Trial by Jury against Defendants Michael Frederick Sedlemeyer (Sedlemeyer) and Schneider National Carriers, Inc. (SNC) (sometimes collectively referred to as Defendants) in the State Court of Cobb County, Georgia, civil action file number 23-A-10, on January 3, 2023. Defendants attach copies of the applicable Summons and Complaint as Exhibit A and their Answer as Exhibit B.

2.

Plaintiff was a citizen and a resident of Georgia when she filed the Summons and Complaint. See Ex. A, ¶ 1; Ex. B, ¶ 1.

3.

Defendant Sedlemeyer was a citizen and resident of the State of Oklahoma when Plaintiff filed the Summons and Complaint. See Ex. B, ¶ 2.

4.

Defendant SNC was a Nevada corporation with its principal place of business in Wisconsin when Plaintiff filed the Summons and Complaint. See Ex. B, § 3; see also Secretary of State record attached as Exhibit C.

5.

There is complete diversity of citizenship in this case.

6.

This personal injury action arises from a motor vehicle collision and Plaintiff claims substantial personal injuries and damages including past medical expenses, future medical expenses and lost wages, mental and physical pain and suffering due to injuries to her body, personal inconveniences, plus an inability to lead a normal life. See Ex. A, ¶ 10.

7.

SNC served its First Requests for Admissions on Plaintiff, seeking to ascertain whether the amount in controversy exceeded \$75,000.00, exclusive of interest and costs. In Plaintiff's request for admissions responses, Plaintiff admitted the amount

in controversy in this lawsuit exceeded \$75,000.00, exclusive of interest and costs. Plaintiff further admitted they sought recovery of general and special damages in excess of \$75,000.00, exclusive of interest and costs, against any or all Defendants in this lawsuit. See Plaintiff's Responses and Objections to SNC's First Requests for Admissions attached as Exhibits D, ¶¶ 1-2.

8.

SNC further served its First Interrogatories and Request for Production of Documents to Plaintiff. In Plaintiff's response to SNC's interrogatory number 3, Plaintiff itemized medical expenses totaling \$46,685.01 she incurred from the accident, with one outstanding bill she agreed to supplement. See Plaintiff's Responses and Objections to SNC's First Interrogatories and Request for Production of Documents attached as Exhibit E, ¶ 3.

9.

As the Defendants are now in possession of information sufficient for Defendants to carry their burden that the amount in controversy exceeds \$75,000.00, Defendants, within 30 days of receiving this information, have removed the case to this court.

10.

This civil action is properly removable to this Court pursuant to 28 U.S.C. §§ 1441(a), 1446(a) and 1446(b). In accordance with 28 U.S.C. § 1332(a), there exists a complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy, exclusive of interest and cost, exceeds \$75,000.

11.

All Defendants whom Plaintiff properly served with the Summons and Complaint consent to the removal of this civil action.

12.

Defendants notify the Court, the Clerk, and all parties within thirty days after service and receipt of Plaintiff's Responses and Objections to SNC's First Request for Admissions, Interrogatories and Request for Production of Documents that they removed this civil action to this Court according to 28 U.S.C. § 1446 and Fed. Ri. Civ. P. 11.

DENNIS, CORRY, SMITH & DIXON, LLP

/s/ *John D. Dixon*

JOHN D. DIXON

Georgia Bar No. 223376

/s/ *William B. Pate*

WILLIAM B. PATE

Georgia Bar No. 793099

For the Firm

Attorneys for Defendants

Atlanta, Georgia 30339

(404) 364-4507

(404)365-0134 Facsimile

Jdixon@dcplaw.com

Wpate@dcplaw.com

CERTIFICATE OF SERVICE

I electronically filed **DEFENDANTS' NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Corey Aitken, Esq.
Morgan & Morgan Atlanta, PLLC
178 S Main Street
Unit 300
Alpharetta, GA 30009

I also mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

This 13th day of April, 2023.

/S/ William B. Pate
WILLIAM B. PATE
For the Firm

612-14618(JDD)